

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DAVID F. EVANS, et al.,)	
)	
Plaintiffs,)	
)	Case No. 1:07CV739
v.)	
)	
CITY OF DURHAM, N.C., et al.,)	
)	
Defendants.)	

MOTION TO DISMISS

Defendant Brian Meehan, through undersigned counsel and pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), respectfully moves the Court to dismiss plaintiffs' Amended Complaint for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted.

In support of his Motion, Meehan relies upon his Joinder in Brief in Support of Motion to Dismiss of Defendants DNA Security, Inc. and Richard Clark. For the reasons set forth therein, Meehan respectfully requests that the claims against him be dismissed.

Respectfully submitted, this the 15th day of January, 2008.

LEWIS & ROBERTS, PLLC

By: /s/ James A. Roberts, III
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CERTIFICATE OF SERVICE

I hereby certify that, on January 15, 2008, I electronically filed the foregoing **MOTION TO DISMISS** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Plaintiffs DAVID F. EVANS COLLIN FINNERTY	represented by	BRENDAN V. SULLIVAN, JR. CHRISTOPHER N. MANNING ROBERT M. CARY CHARLES DAVANT, IV WILLIAMS & CONNOLLY LLP 725 12th Street, N.W. Washington, D.C. 20005 Email: bsullivan@wc.com cmanning@wc.com rcary@wc.com cdavant@wc.com
Plaintiff READE SELIGMANN	represented by	DAVID S. RUDOLF Rudolf Widenhouse & Fialko 312 W. Franklin Street Chapel Hill, NC 27516 Email: dsrudolf@rwf-law.com
Defendant CITY OF DURHAM, NORTH CAROLINA	represented by	REGINALD B. GILLESPIE, JR. FAISON & GILLESPIE P. O. Box 51729 Durham, NC 27717-1729 Email: rgillesie@faison-gillespie.com
Defendant MICHAEL B. NIFONG	represented by	JAMES B. CRAVEN, III P. O. Box 1366 Durham, NC 27702 Email: jbc64@mindspring.com
Defendant MARK GOTTLIEB	represented by	EDWIN M. SPEAS, JR. POYNER & SPRUILL LLP P. O. Box 10096 Raleigh, NC 27605-0096 Email: espeas@poynerspruill.com

Defendant BENJAMIN HIMAN	represented by	JOEL MILLER CRAIG KENNON CRAVER BELO CRAIG & MCKEE, PLLC P. O. Box 51579 Durham, NC 27717-1579 Email: jcraig@kennoncraver.com
Defendant DAVID ADDISON	represented by	JAMES B. MAXWELL MAXWELL FREEMAN & BOWMAN, P.A. P. O. Box 52396 Durham, NC 27717-2396 Email: jmaxwell@mfbpa.com
Defendants STEVEN W. CHALMERS BEVERLY COUNCIL RONALD HODGE JEFF LAMB PATRICK BAKER MICHAEL RIPBERGER LEE RUSS	represented by	PATRICIA P. KERNER TROUTMAN SANDERS, LLP P. O. Drawer 1389 Raleigh, NC 27602-1389 Email: tricia.kerner@troutmansanders.com
Defendant DNA SECURITY, INC.	represented by	ROBERT JAMES KING, III KEARNS DAVIS BROOKS PIERCE MCLENDON HUMPHREY & LEONARD P. O. Box 26000 Greensboro, NC 27420-6000 Email: rking@brookspierce.com kdavis@brookspierce.com ROBERT A. SAR NICHOLAS J. SANSERVINO OGLETREE DEAKINS NASH SMOAK & STEWART, P.C. P. O. Box 31608 Raleigh, NC 27622 Email: nicholas.sanservino@ogletreedeakins.com robert.sar@ogletreedeakins.com

Defendant RICHARD CLARK	represented by	ROBERT JAMES KING, III KEARNS DAVIS BROOKS PIERCE MCLENDON HUMPHREY & LEONARD P. O. Box 26000 Greensboro, NC 27420-6000 Email: rking@brookspierce.com
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I further certify that I caused the foregoing document to be served by first-class mail, postage prepaid, to the following non CM/ECF participants:

Plaintiff READE SELIGMANN	represented by	Barry C. Scheck 100 Fifth Avenue New York, NY 10011 Richard D. Emery EMERY CELLI BRINCKERHOFF & ABADY LLP 75 Rockefeller Plaza, 20th Floor New York, NY 10019
Defendant CITY OF DURHAM, NORTH CAROLINA	represented by	Roger E. Warin STEPTOE & JOHNSON LLP 1330 Connecticut Ave., N.W. Washington, D.C. 20036
Defendant LINWOOD WILSON	<i>pro se</i>	Linwood Wilson 6910 Innesbrook Way Bahama, NC 27503-9700

Respectfully submitted,

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